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LITIGATION BUREAU

January 18, 2022

By ECF

Honorable Miroslav Lovric
United States Magistrate Judge
United States District Court
Northern District of New York
15 Henry Street
Binghamton, New York 13901

Re: *Dr. A., et al., v. Hochul, et al.*, 21-CV-1009 (DNH)(ML)

Dear Judge Lovric:

As directed by the Court's December 13, 2021 Text Order, I write on behalf of the defendants to provide a status report in this matter. On January 11, 2022, the Second Circuit issued an Order denying plaintiffs' petition for a panel rehearing or rehearing *en banc* in this action.

Accordingly, the defendants are prepared to move forward with this action and respectfully request that the stay of deadlines be lifted. The defendants intend to file a motion to dismiss, and propose the following schedule:

- Defendants' motion due 2/18;
- Plaintiffs' opposition due 3/18;
- Defendants' reply due 4/8.

A similar briefing schedule was recently approved by the Eastern District of New York in the related case of *We the Patriots USA, Inc., et al. v. Hochul, et al.*; E.D.N.Y., 21-cv-4954 (WFK)(RER). I have conferred with plaintiff's counsel regarding this proposed schedule, and he indicated that he does not agree to it. Plaintiff's counsel did not provide a counterproposal.

Respectfully submitted,

s/ Ryan W. Hickey

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cc: All counsel of record (via ECF)